

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA
NATION, a federally-recognized
Indian tribal government and as
parens patriae on behalf of the
enrolled members of the Confederated
Tribes and Bands of the Yakama
Nation,

Plaintiff,

v.

ERIC H. HOLDER, JR., Attorney
General of the United States; et al.,

Defendants.

NO: CV-11-3028-RMP

PROTECTIVE ORDER FOR
CONFIDENTIAL MATERIAL

Plaintiff has requested the production of documents from the Federal
Bureau of Investigation ("FBI"). Some of the requested documents contain
information that may be subject to the restrictions of the Privacy Act. The
documents also contain the identities of FBI personnel, which information is not

1 publicly available and is protected by the FBI due to the heightened personal
2 security concerns of employees of the FBI. After discussions among counsel, the
3 parties have agreed to entry of a protective order as laid out below. In light of the
4 agreement of the parties and the Court's finding good cause, **IT IS HEREBY**
5 **ORDERED:**

6 1) In response to Plaintiffs' discovery requests, the FBI may produce
7 responses and documents that in whole or part contain information not publicly
8 available and may be protected by the Privacy Act. More specifically, this
9 information would include the identities of FBI personnel, which information is
10 not publicly available and is protected by the FBI due to the heightened personal
11 security concerns of employees of the FBI. Upon approval of this Stipulation and
12 Order, under the authority of the Court conferred by Rule 26(c) of the Federal
13 Rules of Civil Procedure and 5 U.S.C. § 552a(b)(11), such production will not be
14 contrary to the Privacy Act.

15 2) These above-referenced documents produced by the FBI for
16 inspection and copying by the plaintiffs shall be designated as "Confidential" and
17 shall be held in confidence by Plaintiffs' counsel and Plaintiffs. They shall be
18 made available only to counsel, consultants and advisors of counsel, and to the
19 parties represented by counsel. Unless otherwise agreed by counsel or ordered by
20 the Court, such documents may be used only for the purpose of this litigation, and

1 all copies will be destroyed by the plaintiff and his counsel no later than 60 days
2 after termination of this case.

3 3) All persons having access to the documents produced under this
4 Stipulation and Order will first agree not to further disclose the documents, or the
5 information they contain, other than in conformance with this Order (or such
6 further Order as the Court may enter), or the provisions of the Privacy Act, 5
7 U.S.C. § 552a(b). Each person who has been granted access to the documents will
8 evidence such agreement by executing an Acknowledgment of Stipulation and
9 Order and serving all counsel. A sample Acknowledgment has been attached
10 hereto as Exhibit 1.

11 4) In the event that one or more of the parties uses a document subject to
12 this Stipulation and Order as evidence in a deposition or other discovery
13 proceeding in this case, that portion of the deposition or other discovery
14 proceeding shall be subject to this Order, unless the Court first enters an Order
15 modifying the limitations on further disclosure of the document.

16 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
17 Order and provide copies to counsel.

18 **DATED** this 1st day of March 2012.

19
20 s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge